

# Order

Michigan Supreme Court  
Lansing, Michigan

December 29, 2010

Marilyn Kelly,  
Chief Justice

141837

Michael F. Cavanagh  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman  
Diane M. Hathaway  
Alton Thomas Davis,  
Justices

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellee,

v

SC: 141837  
COA: 294840  
Ottawa CC: 09-033445-FH

ANGEL MORENO, JR.,  
Defendant-Appellant.

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On order of the Court, the application for leave to appeal the June 10, 2010 judgment of the Court of Appeals is considered, and it is GRANTED. The parties shall address: (1) whether a person present in his or her own home can lawfully resist a police officer who unlawfully and forcibly enters the home, without violating MCL 750.81d; (2) if not, whether, so interpreted, MCL 750.81d is unconstitutional; and (3) whether a defendant prosecuted under MCL 750.81d for resisting a police officer who unlawfully and forcibly enters the defendant's home may claim self-defense.

CORRIGAN, J. (*concurring*).

I concur with the Court's order granting leave to appeal. I also request that the parties brief whether the trial court erroneously concluded that the exigent circumstances exception to the warrant requirement did not apply where the police officer testified that he smelled burning or burnt marijuana while standing by the open doorway of the defendant's home and that the entry was necessary under the circumstances to prevent the imminent destruction of evidence. See generally *In re Forfeiture of \$176,598*, 443 Mich 261 (1993).



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

December 29, 2010

*Corbin R. Davis*

Clerk